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CHD Weighs Appeal to Supreme Court in Rutgers Case After Court Rules Students Have No Right to Refuse COVID Shot

Rutgers University students for now will have no choice but to comply with the university's COVID-19 vaccine mandate, after a federal appeals court ruled the university had a rational basis for the mandate as part of efforts to curb the pandemic on campus.

By **John-Michael Dumais**

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Rutgers University students for now will have no choice but to comply with the university's COVID-19 vaccine mandate, after a federal appeals court ruled.

The Feb. 15 decision stemmed from an appeal filed in January 2023 by Children's Health Defense (CHD) and 13 students who sued Rutgers in August 2021, arguing the mandate violated the students' "basic right to control our bodies."

Julio C. Gomez, lead attorney for the plaintiffs, told The Defender that CHD and the students "are considering all options, including further appeal to the U.S. Supreme Court."

In its ruling, the 3rd U.S. Circuit Court of Appeals said Rutgers had a rational basis for the mandate as part of efforts to curb the pandemic on campus.

"Rutgers had to decide in real time, on a changing landscape of executive pronouncements and medical judgments, how to sustain its educational mission while protecting the safety of its student body," the court wrote.

According to the ruling, there is no "unqualified right to attend a university, let alone the university of one's choice, without conditions."

The court said the students failed "to offer any historical example to establish a 'fundamental right' to be free from a vaccine requirement at a public university."

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One of the three 3rd Circuit judges, Kent A. Jordan, agreed with most but not all of the majority ruling. He said Rutgers "failed to proffer a rational basis for distinguishing between students and University employees" in its initial decision to allow faculty and staff to remain unvaccinated in the fall of 2021 while compelling students to take the shots.

The school indicated "the stated concern from the very beginning was for 'all persons at Rutgers University,'" not just students, he said.

Jordan also said the students should be able to amend their complaints as the circumstances around COVID-19 vaccine policies have shifted.

"[Rutgers] is not free to ignore the current state of the world, a point its own vaccine mandate policy expressly recognizes," Jordan wrote. "I believe the Plaintiffs should be permitted to amend their complaint to test the rationality of leaving the mandate in place."

Court refused 'to accept the facts' about COVID vaccines

According to Gomez, "The 3rd Circuit … refused to recognize that university students — or anyone for that matter — have a fundamental right to informed consent and to decide freely whether to accept or refuse an experimental medical product without coercion."

Gomez said:

> "The 3rd Circuit reached [its] conclusion by refusing to accept the facts in the Appellants' amended complaint as true — namely, that COVID-19 vaccines do not stop infection, do not stop transmission, are unsafe, pose the risk of serious injury or death, and that Rutgers knew all of that to be true when it mandated these injections initially and now (as it continues to be one of the few universities that mandates these vaccines today)."

The court is required by law to accept the stated facts of the case as true at the appeal stage, Gomez said. If it had done so, the court would have had no choice but to "conclude that Rutgers has no legal authority to mandate these vaccines and that students have every right to say 'no' without any coercion," he said.

The one bright spot Gomez found in the 3rd Circuit's statement was that students who received religious exemptions have standing to sue based on secondary harms such as loss of access to student housing or campus or sports teams' transportation services, or being forced to take regular COVID-19 tests. This reverses the lower court ruling on the issue.

CHD General Counsel Kim Mack Rosenberg told The Defender that Jordan's dissenting opinion raised several important issues, including (quoting Jordan), "Rutgers's about-face on education versus compulsion when it comes to vaccination" and "why the University is still mandating vaccination when the rest of the world has largely put the COVID-19 pandemic in the rearview mirror."

"These are excellent points for consideration and should give all families of college-aged students pause," Rosenberg said. "An educational institution — at any level — ruthlessly abandoning its students and its purported commitment to educating students is disturbing."

"The Wuhan Cover-Up"
by Robert F. Kennedy Jr.
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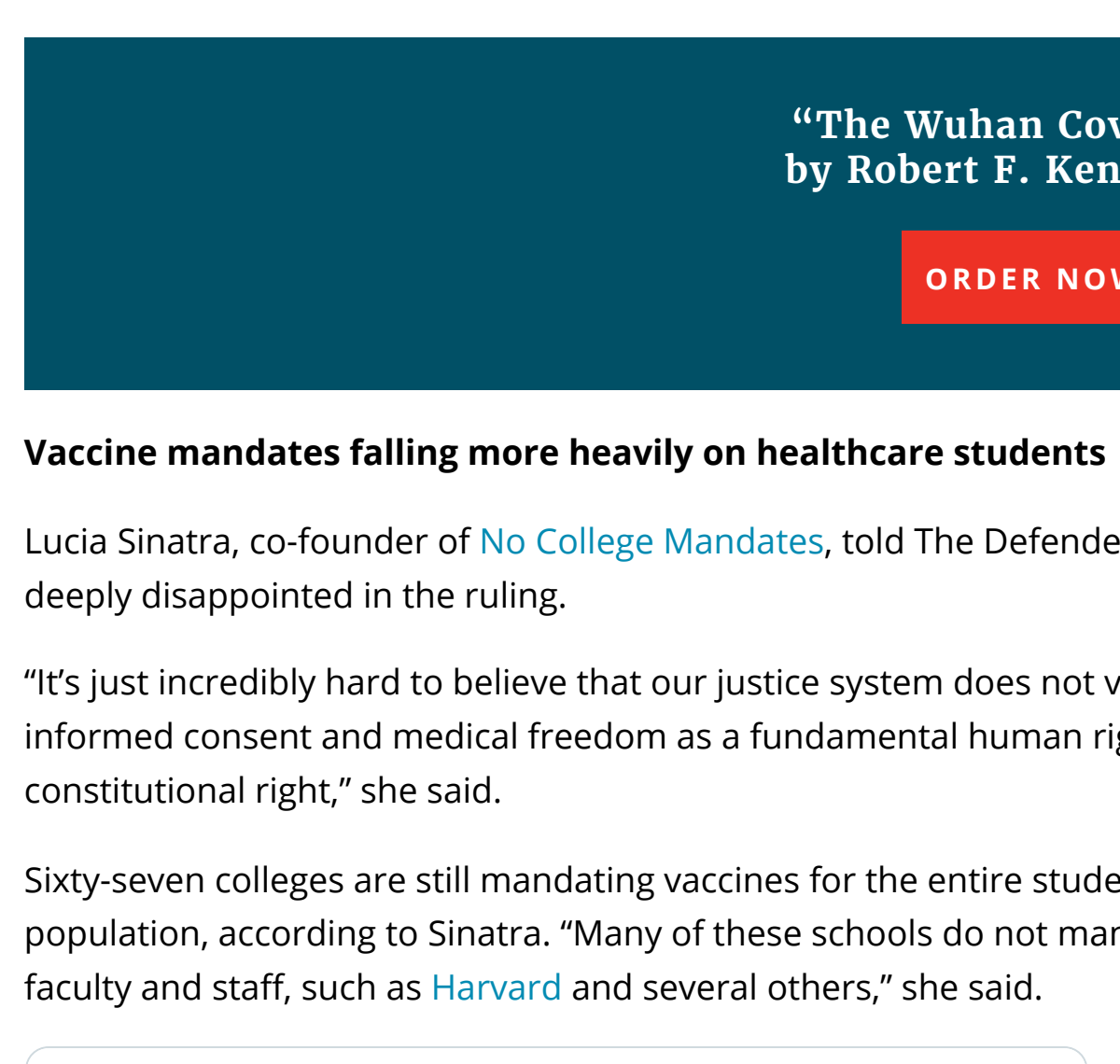
Vaccine mandates falling more heavily on healthcare students

Lucia Sinatra, co-founder of No College Mandates, told The Defender she was deeply disappointed in the ruling.

"It's just incredibly hard to believe that our justice system does not value informed consent and medical freedom as a fundamental human right — as a constitutional right," she said.

Sixty-seven colleges are still mandating vaccines for the entire student population, according to Sinatra. "Many of these schools do not mandate for faculty and staff, such as Harvard and several others," she said.



No College Mandates
@NCM4Ever · Follow

College acceptances will be due soon. These 67 colleges still mandate C19 shots that healthy young adults do not need. No other part of the world is still requiring college students to take these shots. Choose wisely.

Remaining US College COVID vaccine mandates, by state, as of 2/19/24

CSU Cal Poly Humboldt	CA	Clark Atlanta U	GA	Unity Environmental U	ME	Kenyon	OH
CSU Dominguez Hills	CA	Morehouse	GA	Wayne State U	MI	Oberlin	OH
CSU San Diego State	CA	Morris Brown Coll	GA	Macalester College	MN	Ohio Wesleyan	OH
CSU San Francisco St	CA	Oglethorpe U	GA	St. Catherine U	MN	Wooster	OH
CSU San Jose St	CA	Spelman	GA	Rust College	MS	Reed	OR
Harvey Mudd College	CA	Lake Forest College	IL	Franklin Pierce	NH	Bryn Mawr	PA
Mount Saint Mary's U	CA	Methodist College	IL	St Anselm College	NH	Cabrini U	PA
Pitzer College	CA	Roosevelt U	IL	Bloomfield College	NJ	Carlow U	PA
Pomona College	CA	DePauw	IN	Montclair State U	NJ	Gwynedd Mercy	PA
Univ of Redlands	CA	Dillard Univ	LA	Rutgers University	NJ	Haverford	PA
Saint Mary's Coll (CA)	CA	Southern Univ System	LA	Rutgers (Camden)	NJ	Seton Hill U	PA
U San Francisco	CA	Harvard	MA	Rutgers (Newark)	NJ	Swarthmore	PA
Santa Clara University	CA	MA Coll of Pharmacy	MA	Bard College	NY	Claflin U	SC
Scripps College	CA	Wellesley College	MA	Juilliard	NY	Wofford College	SC
Mitchell College	CT	Goucher College	MD	Mount St. Vincent	NY	Fisk University	TN
Trinity Washington U	DC	Johns Hopkins	MD	Maria College	NY	Landmark College	VT
Agnes Scott	GA	Bates College	ME	Antioch College	OH		

See full list with & without mandates, with links, at NoCollegeMandates.com

9:36 AM · Feb 21, 2024

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But many of these same colleges are now making it easier for students to file an exemption, while some — Rutgers and Santa Clara University, for example — "can make it extremely difficult," she said.

Her biggest concern is for healthcare students who, even if they received exemptions as undergrad students, "are widely still required to take updated COVID-19 vaccines and flu shots in order to complete clinical rotations," she said.

"They're going through four years of education, only to get to clinical rotations and have that clinical facility and or the university say, 'You can't complete your training because you have not updated your vaccines,'" she said.

Sinatra spotlighted a class action lawsuit filed by a group of healthcare students against Rowan College in New Jersey for refusing to honor religious exemptions to vaccination.

"These kids have poured tens of thousands of dollars into a degree only to be told they needed to disenroll if they did not take updated vaccines," she said.

"There's a big black void" for students who are about to enter clinical rotations or other practicums, Sinatra said. "They're not employees, but they're not considered students either."

Sinatra urged parents to contact their county board of supervisors, who have influence over programs operating in publicly funded facilities.

"Most county supervisors, even here in California, are shocked to find out that healthcare students are still being treated this way," she said.

Sinatra voiced concerns about the prospects for an appeal in the Rutgers case, noting that a similar lawsuit against Indiana University was rejected by the U.S. Supreme Court in 2021.

RFK Jr. and Brian Hooker's *New* Book: "Vax-Unvax"
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Background of the case

The original lawsuit against Rutgers, filed on Aug. 16, 2021, also named as defendants its board of governors, Rutgers School of Biomedical and Health Sciences, Chancellor Brian L. Strom and President Jonathan Holloway.

CHD joined 18 students as plaintiffs, one of whom was a remote student who would never appear on campus.

Five students exited the case during the recent appeals phase "because they feared retaliation if their peers or teachers knew they were unvaccinated," Gomez said.

The suit stated that in a free society:

> "All people have the right to decide their own medical treatment — especially, to decide what to inject into their bodies. … And every person has the right to make that decision voluntarily, free from coercion by anyone, and to be fully informed of the benefits and especially the risks of the decision."

The complaint also alleged a breach of contract because Rutgers had publicly stated in January 2021 that COVID-19 vaccines would not be required for school attendance.

The complaint noted that Rutgers was helping Pfizer, Moderna and Johnson & Johnson with their COVID-19 vaccine clinical trials and that the university stood to benefit financially from requiring vaccination.

CHD filed a motion for a temporary restraining order against Rutgers on Aug. 30, 2021, to prevent the university from coercing students into receiving the COVID-19 vaccine — including those attending classes remotely.

U.S. District Judge Zahid N. Quraishi on Sept. 27, 2021, denied CHD's motion on the basis that the plaintiffs were unlikely to win their case on the merits or to be harmed if the restraining order were disallowed.

In October 2022, Quraishi granted Rutgers' motion to dismiss the case in part because Rutgers had updated its vaccination policy to include all in-person employees, thereby nullifying the students' equal protection claims and its request for injunctive relief.

CHD immediately appealed the decision.

In November 2022, Rutgers was selected as a clinical trial site for Pfizer's pediatric COVID-19 bivalent vaccine.

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John-Michael Dumais
John-Michael Dumais is a news editor for The Defender. He has been a writer and community organizer on a variety of issues, including the death penalty, war, health freedom and all things related to the COVID-19 pandemic.

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Best Newest Oldest

Someone
2 months ago
Hopefully students will wake up and realize that a university that does not support informed consent is clearly incapable of giving its students a quality education and clearly cares more about money than its students.
17 0 Reply

Mainman → Someone
2 months ago
Hopefully students wake up and realize that college degrees are a joke, a waste of money, and not worth the cost. Not only that, but the dumbest people I know have a college degree.
4 0 Reply

Nobody → Mainman
2 months ago
Indeed. Find a good trade school, acquire a marketable skill, and wave the finger at these houses of lunacy who purport to educate, when in fact all they do now is leave wreckage in their wakes.
0 0 Reply

steelj → Someone
2 months ago
I agree. Unfortunately a lot of students had time and money invested before that became so obvious.
3 0 Reply

Michael
2 months ago
Big pharma is a big funder of Rutgers medical college.
They now control colleges, politicians and the media. How about you?
Personally, I have quit all prescriptions. Never had the flu or covid vaxes.
14 0 Reply

Mary → Michael
2 months ago
I say, so what if you do get the flu(any kind). Just to bed and sweat it out and enjoy sleeping several days.
5 0 Reply

Ronald Martono → Mary
2 months ago
100% true, because the Flu Symptoms are simply the signs of a natural healing process and your wise body makes you lie down to let it do the repair. Pushing these symptoms away to continue unusual life routine thru symptomatic drugs like antibiotics, caffein etc is not healing (as the doc tells you) but rather stopping (!) healing and this has consequences long term - it leads to chronic fatigue, faster aging and much more. Nothing against managing symptoms a bit down to feel better if unbearable while resting but we need to understand the symptoms are not the "disease" to fight, they are the good news of healing.
0 0 Reply

GarySummers → Michael
2 months ago
Sharing Is Caring
"A summary of the 'Evidence' against the COVID vaccines"
Here's a quick summary of the key pieces of evidence that taken together show that the "COVID vaccines are unsafe and that the medical community should not be trusted".
https://kirschsubstack.com/...
1 0 Reply

Michael → GarySummers
2 months ago
Excellent summary of deaths, injuries, failure of the government to investigate.
My sense is it is all about money, and genocide. Since the childhood vaccine injury act of 1986, vaccines for children have skyrocketed. When I was a kid there were only a couple, and they had side effects. I am now reading there are 80 or maybe 100 by the time a child reaches 18 years of age. And, of course, big pharma is protected from liability for all injuries and death from their "vaccines." The law MUST change.
The CDC, NIH and FDA no longer exist to protect the people. They are bought and paid for by big pharma. Big pharma agencies get money for ushering through approvals. Agencies hold vaccine patents. Agency personnel are rewarded with big pharma jobs.
Your summary mentions the failed pregnancies, but not inability to get pregnant. I've read articles that attest to the inability of a fertilized egg to adhere to the uterine wall thereby preventing pregnancy. I've read that sperm counts are down and that the spike proteins accumulate in the sexual organs.
Big pharma's business model is sell lots of vaccines, big bucks. The
see more
3 0 Reply

holisticpoet
2 months ago
What these schools are saying to students by mandating that they get the jab is that they are slaves owned by the school. What I personally would have done if I was attending school there and I was mandated to get jabbed or leave, is I would have left and demanded a refund of my tuition plus any expenses related to me being forced to move by having my bodily autonomy taken away. If enough paying students did this there is no doubt in my mind that all the universities in question would have acquiesced and dropped the mandates. Because mankind in general bought into the fear, they lacked the resolve to do the right thing and oppose these mandates.
7 0 Reply

BarbaraCharis → holisticpoet
2 months ago
Way to Go! Demand tuition back...this would nip things in the bud! Lack of true knowledge about the danger of the jab, limits young people in making the right decision.. The MSM and other news authorities have hidden the truth. The word doctor to them implies someone who has total knowledge. Confusion is the name of the game in politics today. Confuse young people so they don't know what is the truth.
6 0 Reply

BraveNewWhirled
2 months ago
Now that we have official admissions from FDA, CDC, Pfizer and Moderna, come at it from a different argument. It's absurd to claim that a man or woman has no authority over what goes in their body, especially when the substance is known to maim and unalive people.
Maybe I'm just too common sense.
6 0 Reply

steelj → BraveNewWhirled
2 months ago
Your last sentence is key. There's a famous quote that goes something like "there is nothing more uncommon than common sense". That sums things up, not just in the COVID era, but the nearly continuous horror show of human history.
4 0 Reply

Rob DF
2 months ago
So much ado about nothing. This is so easy to fix. Don't go to Rutgers, they're not the only university in the country. If enough people do that let's see how many nano seconds it will take for them to change their policy. Until then - you want to attend Rutgers, take the shot.
6 0 Reply

mcwinaz
2 months ago
G O T O A N O T H E R C O L L E G E .... Why are people wasting their time on Rutgers? Let their coffers go empty and they will start changing their tune. I would NEVER give my money to a college forcing this on me.. Time to move on..
4 0 Reply

Marygrace~
2 months ago
Hope they lose a lot of students! No one should have to take a medical "treatment" that is experimental! Their ruling is ridiculous! Period! Vote RFK Jr. 2024!
www.Kennedy24.com
4 0 Reply

Paul Hastilow
2 months ago
Dual Standards once again. If I was a Medical Student at "Rutgers", where Staff aren't required to get the Shots, But Students Must, ! I would change my profession....! Reason Being, Big pHarma, fund the College..? You will be a Prisoner from "Freedom of Choice." For Ever as a Doctor...!
Who wants that...? Only "Spineless" Dr's comply to "pHarmas"Requirement /Regulations, they are bought and Paid for.... Even though your Hippocratic Oath is for life...! Corrupt pHarma will "Force you into Submission"
Like they tried with Dr Merrill Nash. But that Brave Lady , fought back, they tried Intimidation, threats of Disbarment, Disciplinary Subjugation, losing Her Practice, what they tried and failed to do was Browbeat her into submission.
All for Standing up Against ,Obvious "Not fit for Purpose Clot Shots" that have Killed Millions of people, and forever Maimed Millions more.
How can you, work with /for Unscrupulous Bastards like that...?
They (Albert Bourla Pfizer CEO) and the Cabal need closing Down, let's get back To Homeopathic Medicine, God given to Mankind . Not Genetically Engineered in a Bio Lab."
$illion $" Fines aren't the Answer...! Prison Time for "Crimes against Humanity Are."......And They can't come Soon Enough.!
3 0 Reply

rubyt
2 months ago
The historical example is that vaccines in the past would prevent getting sick and spreading the pathogen. This so-called vaccine prevented nothing. Historical precedent is that they worked to stop illness, and this didn't. Hello!
2 0 Reply

Tom Bernard
2 months ago
It is also frightening, but not surprising, The Supreme Court of The United States of America, has sold its soul... The simple fact that the proven health risks, and inability of the covid vaccines wasn't taken into account is beyond comprehension; at least until you realize the individuals elected to the highest court in the nation have signed on to support the Sadistic, Communist Administration presently in office.
2 0 Reply

craig martin
2 months ago edited
Is anyone putting one and one together> The bible warns in the very last days we will see lawlessness. What do you think this is? The people have a right to choose if they want to be poisoned, but the freemasonic sold out judges think they can block and bypass the constitutional rights of the people and the laws that were there to protect us from these evil oligarchs. The people have an obligation to stop this tyranny, by all means necessary. This is what the second amendment right was all about . Funny how fast people lose track of the truth. We are entering the New World Order and hell on earth, unless......
2 0 Reply

Kim from Brooklyn → craig martin
2 months ago
Conversations as of late with younger folk is very unsettling as well. They are afraid and very concerned. What type of world is this creating? One where youth is stolen from many and will shape the world in which we live. What the youth are experiencing is crucial to the outcome of this. At lest they have longer lives with more of a chance to change it. Maybe there children will survive then. Like usual though, the truth will be withheld making us a bunch of ignorant monkeys thinking all is good. Until it hits your front porch, right?
Where there are numbers against numbers there is a chance. The only sure way to fail is to not try at all.
1 0 Reply

benevolent_dictator
2 months ago edited
This experimental biological agent does not prevent or reduce transmission of the virus, much less preventing illness, thereby does not fall within the definition of a vaccine and renders the Rutgers University's concern moot; get the "vaccine" to prevent infection of the student body and faculty.
They will all be susceptible to covid, which has mutated along with influenza strains, again rendering their efforts in vain.
Since Rutgers is north of the 34th parallel, it would behoove the dictators to suggest immune system optimization by having everybody have their D3 levels above 80ng/mL (25-hydroxyvitamin D3 blood test) and their magnesium at 6 to 6.8 mg/dL (based on the RBC Mg blood test) and be taking zinc and vitamin C daily.
Especially the dark complexion people.
2 1 Reply

Susan → benevolent_dictator
2 months ago
Vit. D is definitely beneficial but mandating anything is still against the principles of health freedom.
5 0 Reply

Kim from Brooklyn → Susan
2 months ago edited
I watched a video on Vit D and the benefits. The doc said "those that lived in the higher elevations for hundreds of years and did not take supplements lived very long and were very healthy".
It's important to get out and walk around, he said. This is crucial to health.
0 Reply

benevolent_dictator → Kim from Brooklyn
2 months ago
Good point...suggest, with merit, it is.
0 0 Reply

Susan → Kim from Brooklyn
2 months ago
No argument here. Those that lived in higher elevations & higher latitudes were outdoors most of the time so their exposure to the sun was much more than most people have today. We are an indoor society now, so supplements are necessary in most cases. My main argument is the MANDATING of drugs, whether they be good for you or bad for you. Mandating is just plain WRONG.
0 0 Reply

Brent Mesler
2 months ago
They get a lot of money from Pharma. They are paid for. All for money and something that causes more harm than good for this age group.
1 0 Reply

MICHAEL
2 months ago edited
THIS SEEMS TO BE THE STRONGEST ARGUMENT GOING FORWARD:
"The 3rd Circuit reached [its] conclusion by refusing to accept the facts in the Appellants' amended complaint as true — namely, that COVID-19 vaccines do not stop infection, do not stop transmission, are unsafe, pose the risk of serious injury or death, and that Rutgers knew all of that to be true when it mandated these injections initially and now (as it continues to be one of the few universities that mandates these vaccines today)."
THE FACTS ARE GETTING STRONGER AND INSTEAD OF ARGUING MEDICAL FREEDOM AND INFORMED CONSENT, WE MUST HAVE ENOUGH EVIDENCE OF THE HARM AND DEATHS CAUSED BY THE VACCINE TO ARGUE THE STUDENTS ARE AVOIDING DEATH (SELF-DEFENSE). NOT ONLY DOES THE VACCINE NOT STOP SPREAD BUT IT EXPOSES THE STUDENTS TO AN OUT-SIZED RISK OF DEATH.
1 0 Reply

r2bzjudge
2 months ago
I fail to see the court's logic, considering the Covid shot doesn't prevent infection or prevent transmission of Covid. It can't curb pandemic. Considering all the public health agency lies, i don't even trust their claim that it may reduce symptoms. Also, considering that the shot causes serious injuries and deaths, it is not protecting anyone's safety.
1 0 Reply

ME MCC
2 months ago
If these students were as smart as they are supposed to be, they would skip those college and universities requiring anything like this... Prestige be damn3d!! Where is logic and personal freedom? If they are injured, they certainly won't put that lofty degree to use...and will be a burden to themselves and potentially their families. Grow up and standup, young people!!
1 0 Reply

One Day Closer
2 months ago
Starve the beast that is Rutgers. Withdraw. Spend your tuition elsewhere. Alums should not contribute to their pleas for donations.
For the medical students: learn about homeopathy and other proven healing methods instead of the cut, drug and vax ways of allopathic medicine.
1 0 Reply

BoredHousewife
2 months ago

Can colleges mandate any of these other drugs? Why not? Estrogen, birth control, SSRIs, statins, Ozempic, Ritalin.....

0 0 Reply

Ronald Martono
2 months ago

Get out of such schools. Nothing good to be associated with them.

0 0 Reply

Nobody
2 months ago edited

Raving, ignorant tyranny.

Our courts cannot be trusted, nor any branch of governance.

The university would be left with much on which to think, were students to do the right and sensible thing and walk away.

The logic of the court, as presented here, is hopelessly fallacious. It assumes that the universities' interests are sound and "rational". It tacitly assumes that vaccines are the correct way to manifest that interest. It assumes that the contractual agreement between school and student includes the authority to place such demands upon students in some blanket fashion, under the justification of some threat, regardless of the nature and degree. It further implies that the school holds the authority to declare such threats as it pleases without having to provide proof, and that they hold no obligation to the student for the implied agreement that the student will complete the work required for a degree. If the school imposes such conditions post facto, they must be held liable for monies spent thus far pursuant to successful completions on a class-by-class basis. After all, the school is setting the conditions that alter the terms of the agreement, leaving them in breach. The answer cannot be reasonably seen as "well too bad for you" for the students. The court dares cite "rational basis" while spewing this rot? They should be defrocked, disbarred, and spend a year or two in a prison cell for felonious malpractice.

0 0 Reply

Gregory Kyle
2 months ago edited

In a nation of law, lawyers are.
Lawyers become judges, and judges determine law which is acepted as 'legal precedent'.
Every now and then the most powerful of the lawyers who infest the 'supreme court' might actually replace lower courts' laws.

0 0 Reply

pjmm
2 months ago

Left this university ASAP.

0 0 Reply

gilbert clement
2 months ago

The only way to fix this is for all students to walk away from that university, after enough people walk away and they lose $$$$ then all of a sudden you won't need the C-19 death shot.

0 0 Reply

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